

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

GAYLE J. EVANS, JR.,  
INDIVIDUALLY AND AS A MEMBER OF  
DURANT DEVELOPMENT, LLC, A  
MISSISSIPPI LIMITED LIABILITY  
COMPANY

PLAINTIFF

VS.

CAUSE NO: 5:24-cv-25-DCB-LGI

CHANCE J. EVANS, INDIVIDUALLY;  
CHANCE J. EVANS, MANAGER OF  
DURANT DEVELOPMENT, LLC, A  
MISSISSIPPI LIMITED LIABILITY  
COMPANY; AND DURANT DEVELOPMENT  
COMPANY, A MISSISSIPPI LIMITED  
LIABILITY COMPANY

DEFENDANTS

ORDER

Before the Court is Plaintiff Gayle J. Evans, Jr. ("Plaintiff")'s motion for costs and actual expenses, including attorney fees, incurred by Plaintiff due to Defendant's removal of this case to federal court. [ECF No. 11] ¶ 12. In his motion, [ECF No. 11], Plaintiff requested a remand of the case to state court and also requested costs and attorney fees under 28 U.S.C. § 1447(c). In an earlier ruling, [ECF No. 26], the Court granted the motion in part to remand the case immediately to the Chancery Court of Lincoln County, Mississippi, and held the motion in abeyance in part for the Court to take under advisement

Plaintiff's request for costs and attorney's fees.

Plaintiff has not specified the amount of the monetary award that he is seeking, and his request is not supported with proper invoices, receipts or other documentary evidence. As currently presented, the Court cannot perform a review of the requested attorney fees according to the lodestar method.

Accordingly,

**IT IS ORDERED that** the pending portion of Plaintiff's Motion to Remand and for Costs and Fees [ECF No. 11] is **DENIED WITHOUT PREJUDICE;**

**IT IS FURTHER ORDERED that** Plaintiff is permitted to submit a new motion for costs and fees no later than 15 days from the date of this Order; **provided that** the revised motion includes proper invoices and supporting documentation suitable for the Court's review according to the lodestar method; and

**IT IS FURTHER ORDERED that,** if filed in accordance with this Order, Plaintiff's revised motion for costs and attorney fees shall be set for an in-person hearing at 9:30 AM on April 29, 2025, at the United States District Courthouse in Natchez, Mississippi. **ALL PARTIES AND THEIR COUNSEL MUST BE PHYSICALLY PRESENT AT THE HEARING.** Failure to appear can result in sanctions. At the hearing,

Plaintiff's counsel must be prepared to present documentary evidence, invoices, and calculations that will permit the Court to perform a proper lodestar review of Plaintiff's fee request.

**SO ORDERED** this the 17th day of March 2025.

/s/ David C. Bramlette  
UNITED STATES DISTRICT COURT JUDGE